

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

THE CITY OF HUNTINGTON,

Plaintiff,

v. CIVIL ACTION NO. 3:17-01362

AMERISOURCEBERGEN DRUG

CORPORATION, et al,

Defendants.

CABELL COUNTY COMMISSION,

Plaintiff,

vs.

AMERISOURCEBERGEN DRUG

CORPORATION, et al,

Defendants.

Videotaped and videoconference deposition of ANNE
LEMBKE, M.D., taken by the Defendants pursuant to the
West Virginia Federal Rules of Civil Procedure, in the
above-entitled action, pursuant to notice, conducted
virtually via Zoom, before Twyla Donathan, Registered
Professional Reporter and Notary Public, on the 17th day
of September, 2020.

1 Q Have you undertaken a review of any of the
2 distributors in this litigation, their suspicious
3 order monitoring systems?

4 A Not specifically.

5 Q Have you reviewed any specific orders that
6 the distributors in this case shipped to pharmacies
7 in Cabell County or Huntington?

8 A No.

9 Q Did you review the report of a man named
10 James Rafalski in forming your opinions?

11 A No.

12 Q I want to return to something you said at
13 your New York deposition. You testified there that
14 you had never designed a suspicious order monitoring
15 system. Do you recall that in your deposition?

16 A Yes, I do.

17 Q But then last week at the New York Frye
18 hearing, I asked you the same question, have you ever
19 designed a suspicious order monitoring system, and
20 you said yes. Do you recall that?

21 A Yes.

22 Q Okay. So were you being truthful last week
23 when you testified that you have, in fact, designed a
24 suspicious order monitoring system?

1 STATE OF WEST VIRGINIA,
2 COUNTY OF KANAWHA, to-wit:

3
4 I, Twyla Donathan, RPR, a duly commissioned
5 Notary Public for the County and State herein, do hereby
6 certify that the foregoing deposition of ANNE LEMBKE, MD,
7 was duly taken by and before me via Zoom video
8 conferencing at the time and for the purpose specified
9 in the caption hereof, the said witness having been by me
10 first duly sworn.

11 That the foregoing is a true, correct, and
12 full transcript of the testimony adduced to the best of my
13 ability, given the challenges of Zoom video-conferencing
14 audio/sound interferences, as taken by me in shorthand
15 notes and thereafter accurately transcribed;

16 I further certify that I am neither attorney
17 or counsel for, nor related to or employed by, any of the
18 parties to the action in which this deposition is taken;
19 and further, that I am not a relative or employee of any
20 attorney or counsel employed by the parties or financially
21 interested in the action; and that the attached transcript
22 meets the requirements set forth within Article 27,
23 Chapter 47 of the West Virginia Code.

24 IN WITNESS WHEREOF, I have hereunto set
my hand this 21st



TWYLA DONATHAN

Registered Professional Reporter

My commission expires September 11, 2022.